

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, APRIL 2, 2002

Chair Parsons called the meeting to order at 7:06 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Parsons, Mathewson, Wiecha, Gibson, Feierbach, Frautschi

Absent, Commissioners: Torre (arrived 7:10 p.m.)

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Ouse (AP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

ELECTION OF COMMISSION CHAIR/VICE CHAIR

With the consent of the Commission, Chair Parsons moved this item to the end of the meeting.

AGENDA AMENDMENTS: None

Chair Parsons surveyed the audience regarding the number of people who came by car to the meeting, and determined that more than 60% of the audience are drivers.

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

- A. Minutes for February 5, 2002**
- B. Transcript of February 5, 2002 Planning Commission Agenda Item 7C, Setback Variance for 1814 Oak Knoll Drive**
- C. Minutes of February 19, 2002**

MOTION: By Commissioner Feierbach, seconded by Commissioner Mathewson, to approve the Consent Calendar. Motion passed 4/2/1, with Commissioners Mathewson and Frautschi abstaining and Commissioner Torre was absent, Commissioner Mathewson abstained on 2/5/02 item.

STUDY SESSION: None

Commissioner Torre arrived at 7:10 p.m.

PUBLIC HEARINGS:

Public Hearing – 1110 Alameda De Las Pulgas: To consider a Negative Declaration of Environmental Significance, Conditional Use Permit, and Tree Removal Permit to construct a new 54,947 square-foot Belmont Library within the Belameda Park property. The new two-story library will house books, periodicals, and audiovisual materials, and includes group study, tutoring, and computer areas and an 80-seat community room. The proposed building includes a subterranean parking garage with spaces for 62 vehicles and 24 additional uncovered spaces

within the 2.98-acre project site. (Appl. No. 02-0005); APN: 045-024-060; Zoned: A (Agricultural); CEQA Status: Negative Declaration; City of Belmont (Applicant and Owner)

Regarding the Negative Declaration, which had been filed with the State of California Clearinghouse, PP De Melo informed the Commission that comments were received on Friday, 3/29, from the Department of Toxic Substances. The comments and staff's response are attached as Appendix A and are addressed in an additional draft condition of approval. He noted that the review period for the environmental documents has ended and no public comments had been received. PP de Melo summarized the staff report and turned the presentation over to representatives of the applicant.

David Braunstein, member of the Library Steering Committee, made a presentation on behalf of the applicant. He emphasized that the Committee has no intention of circumventing the design review process, but they believe that time is needed to go through those issues appropriately and with public comment, and because of the grant process and its due date of June 14, 2002, they want to move forward with the Conditional Use Permit.

Chris Noll, architect, showed transparencies of the site plan, noting that the existing building is 41' back from the face of the curb and a portion of the new building would be 30' from the face of the curb, with 97' setback to the rear and 15' to the property line on the left side and 182' on the right side, adding that there will be opportunities to review this during design review. He stated that the building is located as far back on the site as possible to avoid affecting at least two of the oak trees, and if the building is pushed back another five feet it will be under the drip line of the oak trees, and they have done everything they could to save as many trees as possible. He stated that there is nothing in the Negative Declaration that falls under the category of a significant impact.

Linda Chiochios, Library Branch Manager for twenty years, commented on library use, programs and activities, and the need for more space. She read a letter from Andrea Jenoff, Carlmont High School Principal, stating the school's support of the project and describing a joint use cooperative agreement that has been developed.

Diane Keogh, 2101 Carlmont Drive, representing the Belmont Park Boosters, supported the project and especially the proposed amphitheater. She felt that the uses of the park would be enhanced by the new plan.

Don Jones, resident of Valdez Avenue, felt that the new design can and will preserve the "residential feel" of the library, and stated that his fellow neighbors have nothing but enthusiasm, positive anticipation and respect for the plans and the setting of the new library.

Carolyn Cole, principal of Crane Transportation Group in San Francisco, summarized the Traffic Impact Report, noting that, since the library does not open until 10:00 a.m. on any day, they only looked at weekday p.m. commute peak hour conditions for this study. Responding to C Wiecha's concern as to whether or not traffic mitigations will be in place as planned for other approved projects in the area, Ms. Cole stated that if they are not accomplished prior to the library being built and occupied, the library project would possibly be one of the contributors to the intersection improvements. She felt that there would likely be some measurable increase in delay, but not a worsening of the level of service. C Parsons expressed concern regarding the mitigation for parking requirements. Ms. Cole responded that it will take good management to make the parking work for special events, community meetings, use of the amphitheater, etc., and that multiple events each requiring a lot of parking need to be scheduled very carefully. The reason for the mitigation is that the facilities could be attractive to many organizations in one evening and that use could not be predicted.

Chair Parsons opened the public hearing.

Risa Horowitz, P. O. Box 370, Belmont, asked the Commission to consider sectioning off the community room so that you don't have to have a venue for 80 people, but could have two venues going on simultaneously.

Dolores Rosco, Ladera Way, asked if all of the eucalyptus trees will be removed and what kind of trees will replace them. PP de Melo responded that the trees in the building envelope of the proposed library will be removed but the trees on the edges are not contemplated for removal, and that the landscaping design issues will be addressed at a later public hearing.

MOTION: By Commissioner Wiecha, seconded by Commissioner Torre, to close the public hearing. Motion passed.

C Parsons: Felt that the concerns of the Commission that were discussed in November were not answered in the presentation and still need to be addressed. He had asked the Community Development Director to prepare some mitigating language that would allow the Commission to approve the CUP's but still provide the flexibility to deal with these issues during design review. With regard to parking, he feels that adequate parking must be provided in order to have a successful library, and can approve the environmental document as long as he knows there is the possibility of additional parking in the future. He suggested that the Parks Commission might have to someday look at the possibility of increasing the number of surface parking spaces in the park, and plan park activities that will not interfere with the library.

C Wiecha: Noted that at the November Planning Commission meeting the Commission had requested that consideration be given to reconfiguring the public room in the front of the building to arrange it to maintain the existing setback from the street without impacting the trees they want to preserve or generating more excavation due to steeper sloping. She asked staff if this change is something they want to entertain during the detailed design review and if it would have an impact on the entitlements that are being provided at this meeting. CDD Ewing responded that they have several ways to deal with that issue: 1) put a specific condition on the CUP and then modify the plan that is before the Commission 2) continue the item and have staff come back with a revised plan as part of the CUP; or 3) allow this plan to go forward reserving the right to modify it as part of future design review. Staff recommended number 3) and C Wiecha agreed that that would be her preference. She agreed with the traffic analysis that was provided.

C Mathewson: Stated that he is looking forward to this project, but is disappointed that some of the things brought up at the November meeting did not seem to be addressed, such as the footprint issue. If they can get the flexibility with appropriate language, then he was in favor of moving the project ahead so they can secure the grant if at all possible.

CDD Ewing suggested the following revised language for Exhibit "A", Condition 1 of the Planning Division: "Construction shall conform to the plans on file in the Planning Division for Application No. 2002-0005 and dated-stamped March 1, 2002, except as may be modified by the Planning Commission as part of any future action on the associated design review application. The Director of Community Development may approve minor modifications to the plans." He added that this language would provide flexibility to deal with not only the front setback issue but anything that comes up in the Commission's consideration of design review, and that the applicant takes the risk that the more you modify it the more it deviates from what they have submitted to the State.

C Gibson: Commented that his wife, who has a handicap permit, is currently a regular user of the library but would go to the San Carlos library to avoid using the proposed parking lot since she would have to climb down the ramp to the sidewalk, walk the whole length of the building and up a long ramp to get in the front door. Further, she is afraid of parking garages.

C Torre: Agreed with points made by Commissioners Parsons and Wiecha, and added that it is important that the applicant go back to the notes of the November meeting and look at what can be done to improve the design.

C Parsons added that another concern they had about moving the building so close to the street is the wall and graffiti being an issue, especially if there is no room at the top for a lot of landscaping. He also asked that when they come back for design review, he would like to see story poles that show the height of the wall relative to where the sidewalk is going to be, and then behind that the height of where the building will be located. He noted that the impact of retaining wall does not always show up in the artist rendered drawings, as can be seen at some other locations in Belmont. It is important for the Commission and the Public to see the impact of a 10 foot high retaining wall right up against The Alameda.

MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to adopt a Resolution of the Planning Commission approving a Negative Declaration of Environmental Significance for construction of the Belmont Public Library at 1110 Alameda de las Pulgas.

Ayes: Wiecha, Mathewson, Gibson, Torre, Feierbach, Parsons

Noes: None

Abstain: Frautschi

Motion passed 6/0/1

MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to adopt a Resolution of the Planning Commission approving a Conditional Use Permit and Tree Removal Permit for construction of the Belmont Public Library at 1110 Alameda de las Pulgas with the Conditions of Approval as stated in Exhibit "A" and the following additional conditions:

Modify Condition A1. Under Planning Division to read "Construction shall conform to the plans on file in the Planning Division for Application No. 2002-0005 and date-stamped March 1, 2002, except as may be modified by the Planning Commission as part of any future action on the associated design review application. The Director of Community Development may approve minor modifications to the plans."

Add Condition A.22 under Planning Division, which shall read "The applicant shall contract with a licensed hazardous materials remediation contractor to conduct sampling in the existing library building to be demolished to confirm the presence or absence of lead paint, and remove any lead paint and comply with building demolition regulations as administered by the California Department of Toxic Substances Control (DTSC). The regulations of this agency apply to the selection of contractors, the set-up of the removal operation, and actual removal and disposal of this material. The DTSC shall be included in any meetings where issues relevant to their statutory authority are discussed."

Ayes: Wiecha, Mathewson, Gibson, Torre, Frautschi, Feierbach, Parsons

Noes: None

Motion passed 7/1

C Parsons announced that this item may be appealed to the City Council within ten days.

Chair Parsons called for a recess at 8:30 p.m. Meeting resumed at 8:40 p.m.

Public Hearing -- 1500 Ralston Avenue: To consider a Detailed Development Plan (DDP) with associated Conditional Use Permit, Design Review, Grading Plan, and Tree Removal Permit for Notre Dame de Namur University. This proposal will establish Phase I of the DDP which includes construction of a new 42,000 square-foot residence hall, 19,000 square-foot campus center, temporary parking lot, surrounding landscaping and review of Design Guidelines for future development. The Conceptual Development Plan (CDP) for the project was approved by the City Council on October 24, 2000. (Appl. No. 01-0095); APN: 044-360-070, 100, & 120; Zoned: PD (Planned Development); CEQA Status: Adopted Mitigated Negative Declaration; Maureen Freschet (Applicant); Notre Dame de Namur University (Owner)

Commissioners Weicha and Frautschi recused themselves as they live within 500 feet of the project, and C Gibson recused himself on advice of Counsel.

PP de Melo made the following corrections to Exhibit "A" of the proposed Resolution:

- Change title to Performance Standards (rather than Conditions of Approval).
- Change date-stamp to March 4, 2002 in Condition 3.a. under Planning Division.
- He will recommend changes to Conditions 4 and 7 during his staff report.
- Under the South County Fire Conditions, page 12, Section A, numbers should be corrected to be consecutive 3 - 12 after number 2.

PP de Melo summarized the staff report, stating that staff believes that all of the findings can be made in the affirmative to grant the Conditional Use Permit, establishing the DDP, the Design Review, the Tree Removal Permit and the Grading Plan.

Maureen Freschet, Director for Community Relations for the Notre Dame de Namur University, gave a brief statement about the project and introduced Pete Mitchell, Vice President for Administration and Project Leader for the Campus Master Plan. He made a detailed presentation about the background and planning for the project. Chris Ford, Landscape Architect, and R. K. Stewart, Architect, gave detailed reports utilizing slides to describe their proposals.

Chair Parsons opened the public hearing.

In the interest of clarity, responses to questions have been inserted in italics after each question rather than in the exact order of the meeting.

Elizabeth Wiecha, 860 Miramar Terrace, commented as follows:

Commended the applicant on the architectural design and design guidelines. She felt that the style of architecture is a significant improvement over the existing development in the upper campus and will greatly enhance the college property.

Concerned with the level of detail provided for the grading plan and tree removal permits.

Concerned that there are no details shown on the grading plan to enable the reviewer to verify the retaining wall placement and heights – it's impossible to see where the new contour grading is going to take place versus existing contours. She believes that the Conditions of Approval of the Public Works Department on page 10 speaks to that lack of detail. One concern is that there is a specific number stated for the volume of grading which has not been verifiable by either the Public Works Department or by any of the information that was provided for this review. The concern is that if that number varies it's important that conditions are put in place for a review by the Planning Commission.

PP de Melo responded that the Public Works Department had reviewed the project and assessed that the grading findings a) through h) could be made in the affirmative based on the current project plans. More detailed plans will be submitted as part of Building Permit review as well as Grading Permit review by the Public Works Department – the issues will not be left undone or unsolved. More intense review will be part of the Public Works review of the grading and drainage plan.

Jim Guthrie, Civil and Structural Engineers, confirmed that the grading plan is preliminary – there will be considerably more detail with the plans that are submitted for a permit.

The walkway area between the retaining wall at the toe of the slope and the second residence hall seems very narrow and cramped. It does not seem to provide adequate clearance from the slope for emergency ingress/egress and makes this area seem very confined. She felt it was unusual for South County Fire not to pick that up and raise it as a concern in terms of emergency access

Mr. Guthrie: The intent is for approximately a 5' separation to provide light and air to the residence hall buildings -- the space is not required for egress. It was a balance between providing that light and air and minimizing excavation into the slope behind the residence hall.

In the area of the temporary parking lot, which again has very little detail about the retaining wall at the toe of the slope, it appears that the berm to the southeast of the lot may impact the grove of Monterey pines – it's hard to tell how far the grading is going to extend and if it is going to impact the root system. Those trees are not slated to be removed as part of this application.

Mr. Guthrie: This has been discussed since the drawings were submitted and was a concern of the landscape architect as well. The berm was intended to be a screen for the car headlights, but they are now considering that planting may be a better solution. The volume of grading that is indicated on the drawings and repeated in the conditions of approval was based on preliminary estimates and, as is noted, we are bound by those and feel conformable with the calculations that are in the conditions of approval.

The retaining wall along the parking area to the south/southeast of Ralston Hall, along College Way, is in the new parking area and is designated as a concrete wall. This particular region has been determined to be part of the historic region of the campus and her concern is if it's appropriate to use a concrete wall in that area. There is also an existing retaining wall that follows College Way in front of Ralston Hall right at the edge of the lawn area on the north side of College Way. It is unclear from the plans if the new sidewalk is going to be put on top of that wall or if the existing retaining wall, which she feels is unsightly, is going to be kept with the sidewalk put on the lawn. She suggested that if the existing wall is to remain it may need some rehabilitation or replacement with an appropriate treatment that would be more sensitive to the historic nature of that area

Mr. Guthrie: The approximately 3-1/2' high wall to the south of Ralston Hall is noted on the grading plan as being of concrete and should certainly have stone facing consistent with the design intent. Regarding the existing wall, a concrete sidewalk is intended to go on the upper portion where there is now lawn, as is noted on the drawings.

The potential impact of the proposed drainage line located to the south of Ralston Hall on existing trees in the area has not been addressed

Mr. Guthrie: He has walked the site and feels confident that the drainage line can be installed without endangering the trees, and it will certainly be addressed in the final submittal.

Staff report states 13 protected trees will be removed, but the conditions of approval do not stipulate the number of trees that will be allowed to be removed as part of this entitlement. Suggested that the number be specified as a total of 13 and the specific trees should be identified.

*PP de Melo: Suggested adding Condition 8 to the Planning Division conditions on page 2 that speaks to specific delineation of the number of trees to be removed. It would read **"A maximum of 13 protected trees are to be removed in conjunction with the Phase IA of the University Master Plan. The specific trees to be removed shall be consistent with project plans as submitted for Application 2001-0095 dated stamped March 4, 2002."**The applicant has indicated that they will have replacement plantings of 136 trees for the 13 being lost.*

The conditions of approval for tree removal are far less stringent than other projects before the Commission in the recent past that impacted fewer trees. Suggested the conditions be similar to those included in the Library project.

With respect to the Mitigation Monitoring Plan, the Mitigation Monitoring item V-2 (4) states that along the two-building dormitory there be a row of trees that will be planted to soften the visual impacts of those structures on the neighbors at the top of the hill. She was unable to verify that that particular landscaping feature has been shown in the landscaping plan that's been provided.

Mr. Guthrie: 7 trees have been placed on the north side at the end of the residence hall – these are not seen on the planting plan, however, the hillside terminates there and the retaining wall is below that. The hillside

where those trees are being planted is probably 10 or 15 feet higher than the paved pedestrian area of the residence hall. It's a 35'-high building so the trees would need to cover about 20' of the building at that end; trees have been placed at that end.

On the construction mitigations, there is a condition in the Mitigation Monitoring Plan under Air Quality in AQ-1(9) and N-1(g) that states a disturbance coordinator will be provided during construction. She did not see that particular condition listed as one of the conditions of approval for the project.

Within the grading section of the Mitigation Monitoring Plan, there is also a condition to have an archaeologist present during grading activities in the event that any Native American remains or artifacts are found. She did not notice that being one of the conditions of approval.

Regarding hazardous waste, she does not believe there are any proposals to do any demolition, but if demolitions are proposed, there is mitigation as part of the Mitigated Negative Declaration for demolition with respect to hazardous waste. She suggested that a similar condition to the one that was included in the library project would be an appropriate requirement for a demolition contractor.

*Regarding compliance with the Mitigation Monitoring Plan, PP de Melo proposed modifying number A.4 of the Conditions of Approval, page 2, to read: **"Phase 1A of the University Master Plan Development must meet all of the mitigations in the Mitigated Negative Declaration prepared by Wagstaff and Associates dated April 2000, inclusive of the Notre Dame Creek Plan and all mitigations stated in the applicant's and City Arborist's reports. The schedule for completion of mitigation measures shall be per the annotated Mitigated Monitoring Plan (MMP checklist) attached as Exhibit D of the April 2, 2002 Planning Commission staff report."** He added that this modification would assure that the Mitigation Monitoring Plan checklist is being followed in every successive phase of this development.*

Warren Lieberman, 824 Miramar Terrace, applauded the college on what they have done in terms of community outreach and Ms. Wiecha's comments about the disturbance coordinator. He suspects that the residents on College View and Miramar Terrace and possibly other streets do not have a full appreciation for what kind of impacts the project will have on them.

MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to close the Public Hearing. Motion passed.

C Feierbach asked that staff or someone from the university answer Ms. Wiecha's questions(see answers in italics above) and added two of her own:

Will any new additional lights on the campus be directed downward as opposed to upward? She would prefer that they be directed downward.

Chris Ford, landscape architect, responded that in the design guideline there are some light fixtures selected for vehicular lighting and pedestrian lights, and all of those fixtures will have cutoffs that are inside the top of the fixture that pushes the light downward so as to minimize light trespass.

How will the backflow diverter be hidden?

Responding to C Feierbach and Chair Parson's question as to whether discussions had been held with the Fire Department regarding location of the backflow valves so that they are not in the middle of the great lawn area and the campus center, Mr. Guthrie stated that discussion had not been held to date. Chair Parsons suggested to the architects that they pursue that question as soon as possible.

*PP de Melo suggested addition of a Condition of Approval to be worded as follows: **"Prior to building permit plan check submittal the applicant shall facilitate review of potential location of any backflow preventer equipment associated with Phase 1A of the University Master Plan with representatives of Public Works Department, South County Fire Authority, Mid Peninsula Water District and the Community Development Department to address aesthetic and design issues related to the construction of these facilities."***

C Torre asked if there is visible heating and cooling equipment on the roofs both from above and from the campus itself.

R. K. Stewart responded that any equipment that will be placed on the roof would be grouped in a way where its visual impact will be minimized, and will be finalized in the building permit documents. He added that some of the equipment has not been finally sized so as they begin to look at sight lines they will be pushing them as closely back as they can and will screen them as appropriate.

C Torre confirmed with the landscape architect that the only trees being approved at this meeting are the Phase1A trees around the campus center and discussed the various potential heights of the proposed trees. She expressed her feeling that the proposed long isle of very tall trees on either side of the pathway directs attention down that isle rather than to the environment to either side and would almost keep students away from the lawn.

Mr. Ford responded that he understood her point and the genesis of the linear lines dates back to the development of the CDP as a way of organizing the spaces and having a grand open space not unlike the great lawn at the University of Virginia – the concept was such that there would be a pedestrian boulevard on either side of this great lawn and that would become the center of campus. The canopies will be maintained at least 13'6" high for emergency vehicle access on the majority of the paths so the intention is to provide a lot of light and visual access across and between these landscape spaces as well as into the buildings.

C Mathewson stated that one of the reasons the Commission is so concerned about grading figures is that City staff has not always been able to "verify" an applicants amount of grading cut and fill, so that by the end of a project the amount ended up being more than double the approved amount. He agreed with Commissioners Feierbach and Parsons regarding the backflow diverter, and asked if there is any way that a condition can be built into the project that says they need to discuss this issue soon. Regarding the parking structure proposed for Phase 2, he would like to see some of the screening trees that are placed farther out, where they wouldn't end up being disturbed by the project, planted soon so that they could grow for five or six years prior to construction. He also had heard that it was possible that they were considering moving the parking structure further up the hill.

Chris Ford showed a graphic to attempt to answer these questions. He pointed out the trees that are being planted now and that are intended to screen the temporary lot. The majority of those trees will likely be retained to give them a head start in anticipation of the parking structure. He recalled that one of the indications with the parking structure was that consideration be given to a trellis structure – it will be covered with vines, so they are looking at other ways of screening the parking structure. Pete Mitchell added that there have been concerns about the walk in the dark from the parking structure and there is a possible alternative location which has not been explored as yet because they need to get more community input. He felt that this temporary opportunity would reveal whether or not there are problems.

C Parsons noted that he still had concerns about the tree mitigation and did not think that the trees that are on the lower part of the campus had been given enough detail. He would like to see some words in the conditions that would give a more detailed tree mitigation plan that spells out protection around the trees when retaining walls are being repaired, adjacent paving is being put in, or when drainage pipes are going down through the woods.

*PP de Melo suggested **adding a reference to the final City Arborist's Report dated July 14, 2000 to Condition 4.** This report contains specific mitigation recommendations for construction of the entire project.*

MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to adopt a Resolution of the Planning Commission approving a Detailed Development Plan and associated Conditional Use Permit, Design Review, Grading Plan and Tree Removal Permit for construction of Phase 1A of the Notre Dame de Namur Master Plan development at 1500 Ralston Avenue, with Conditions of Approval as stated in Exhibit "A" and with the following corrections and/or additions:

Change title to Performance Standards (rather than Conditions of Approval).

Change the date stamped to March 4, 2002 in Condition 3.a. under Planning Division.

Under the South County Fire Conditions, page 12, Section A, numbers should be corrected to be consecutive 3 – 12 after number 2.

Change Condition A.4 under Planning Division to read: "Phase IA of the University Master Plan Development must meet all of the mitigations in the Mitigated Negative Declaration prepared by Wagstaff and Associates dated April 2000, inclusive of the Notre Dame Creek Plan and all mitigations stated in the applicant's reports and the final City Arborist's report dated July 14, 2000. The schedule for completion of mitigation measures shall be per the annotated Mitigated Monitoring Plan (MMP checklist) attached as Exhibit D of the April 2, 2002 Planning Commission staff report."

Add Condition A.9 under Planning Division, which shall read: "A maximum of 13 protected trees are to be removed in conjunction with the Phase 1A of the University Master Plan. The specific trees to be removed shall be consistent with project plans as submitted for Application 2001-0095 date stamped March 4, 2002."

Add Condition A.10 under Planning Division, which shall read: "Prior to building permit plan check submittal the applicant shall facilitate review of potential location of any backflow preventer equipment associated with Phase 1A of the University Master Plan with representatives of Public Works Department, South County Fire Authority, Mid Peninsula Water District and the Community Development Department to address aesthetic and design issues related to the construction of these facilities."

Ayes: Mathewson, Torre, Feierbach, Parsons

Noes: None

Recused: Wiecha, Gibson, Frautschi

Motion passed 4/0/3

Chair Parsons stated that this item may be appealed to the City Council within ten days.

Chair Parsons called for a brief recess at 10:15 p.m. Meeting resumed at 10:30 p.m.

Public Hearing – Specific Plan Amendments, Zoning Code Amendments: To consider revisions to the San Juan Hills Area Plan, the Western Hills Area Plan and the City of Belmont Zoning Code to revise existing policies regarding residential densities in hillside areas, to consider reduction of allowable density and intensity in applicable HRO Districts. Planning Commission recommendations will be forwarded to City Council for final action. (Appl. No. 02-0004); CEQA Status: Special Situations (Section 15183(g)); Applicant: City of Belmont

AP Ouse summarized the staff report, noting that it was a continuation of the Planning Commission Public Hearing held on March 6, 2002. Staff's recommendation is that the San Juan Hills and Western Hills Area Plans policies be amended to reduce the density of development in those areas to be consistent with the changes in Table 1 of the staff report and reducing the maximum density in Table 1 of Section 4.7.9 of the Zoning Code by 50%, and in conjunction with doubling the minimum lot size. This item is tentatively scheduled for City Council review at their April 23, 2002 meeting. AP Ouse added that a FAX had been received from Frank Carraro requesting continuance of this item to a later date. Responding to a question from the Commission, she explained that Mr. Carraro is the owner of a significant amount of HRO-3 zoned land

C Torre questioned the accuracy and validity of the lot sizes & slopes submitted from the San Juan Trust. AP Ouse responded that the lot size information from The San Juan Trust was obtained from the city's database

so it can be considered accurate. Within +/- 5%, the San Juan Trust information can be considered accurate. The slope information was verified by staff through hand calculations of a broad sample of lots particularly those merged in the HRO-2 district.

C Torre ascertained from questioning AP Ouse that: 257 acres and 19 lots in the HRO-3 zone would be affected by a vote on this issue; a computer-generated slope-severity analysis map shows that slopes are roughly 35% and over in most areas of the HRO-3 that is currently undeveloped; and that under current rules, the minimum lot size would be about an acre and a half without taking into consideration any other facts that would increase the minimum lot size such as access, geologic hazards, etc.

Chair Parsons opened the Public Hearing.

John Ward, 797 Willborough Place, Burlingame, representing the Frank Carraro family, stated that Mr. Carraro had received the notice of this hearing on Friday and apparently that was the first notice he had received regarding the Planning program and how it would affect the largest owner (approximately 80 acres) in the Western Hills area. He asked for a continuance to give them an opportunity to evaluate the significant ramifications of the proposal. He could not account for the fact that Mr. Carraro was unaware of the meetings and asked for staff's response to that in terms of the noticing.

Keith Gorzell, 2824 Monte Cresta Rd., thanked the City Council and Commission for directing staff to make additional studies on this topic. Staff's research shows that a number of other cities have set a precedent by doing what is being proposed, and he urged an affirmative action on this matter.

MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to close the Public Hearing. Motion passed.

C Feierbach calculated that with a 50% reduction there could be about 28 units in the Western Hills area and 156 in the San Juan Canyon, while the 66% reduction would allow 20 units in the Western Hills area. She does not know where we will put 156 units so is looking at the 66% reduction as her only choice. She complimented AP Ouse on her excellent summation.

C Gibson concurred with C Feierbach, and confirmed with AP Ouse that she does have a 66% resolution available if the Commission chooses to go in that direction.

C Wiecha referred to the summary of policies in other cities, noting that there are several areas in some of the cities where certain slopes are prohibited for development. She asked what the impact of that type of proposal would be when there have been lots subdivided. AP Ouse could not answer for every City but did know that in a few instances there are overlay zones related to undeveloped properties; they do not appear to be subdivided like our HRO-2 to substandard size lots but it varies from city to city.

CDD Ewing stated that Belmont has a to deal with number of different conditions represented by the fact that we have three HRO zones and they represent different subdivision conditions as well as other factors. The HRO-2 lots are better addressed through controls on zoning development requirements, like floor area ratio and setbacks, while HRO-1 and HRO-3 are best addressed by subdivision controls on future density. He added that the General Plan does not allow development on 30% or steeper slopes and that has as much power as any one of those other city's regulations. It doesn't say average slope, it says 30% or steeper slopes, so that on a large lot that has flatter areas and steeper areas but may have an overall average slope of 31 or higher it doesn't mean you can't develop that entire lot but it does start to direct development so that when subdivisions come in you don't see any development proposed on anything once it rises to a steeper slope than thirty. That automatically reduces density beyond the numbers you are looking at. Other factors such as access and services for utilities that will take these numbers that you're working with, whether it's the current chart, a 50% reduction or 66% reduction and make that the absolute and probably unrealistic greatest development potential because all those other factors start to lay into it, including the 30% or steeper.

At CDD Ewing's request, AP Ouse stated for the record that for each of the public workshops there was a display ad in the San Mateo County Times, there was a mailing sent out to everybody who had shown an interest, particularly after the lot merger program, and, considering the amount of land the Mr. Carraro owned, they sent notices for each Public Hearing and the workshops to his address of record. Perhaps if that

address has changed or was not up to date, there may have been some errors in that. They did not notice individuals who owned lands in the San Juan Hills or Western Hills Area except for Mr. Carraro because he owned a significant portion of HRO-3 land.

C Mathewson confirmed that, notwithstanding the General Plan 30% standard, the City has on numerous occasions approved building of homes on slopes much greater than 30%. He is concerned that that will happen again and could see good reason to go along with a 66% reduction.

Responding to a question from C Feierbach, CA Savaree stated that, in order for someone to bring a successful regulatory taking claim, they would have to demonstrate that the City had, through its actions, taken away all economic use of the property.

C Feierbach stated the Commissions concerns with reducing the effects of development on our drainage, our environment, on the proximity to Sugar Loaf, sewage, trees, traffic, geological considerations, also minimizing buildout she made the following motion.

MOTION: Commissioner Feierbach, second by Commissioner Mathewson moved a Resolution of the Planning Commission recommending to the City Council amendments to the Section 4.7.9 (Hillside Residential and Open Space (HRO) Districts of Belmont Zoning Ordinance Number 360 to choose the Table reducing density by 66.6%.

Ayes: Feierbach, Mathewson, Wiecha, Gibson, Frautschi, Parsons

Noes: Torre (because she did not believe there was adequate information before the Commission on the impact on the HRO-3)

Motion passed 6/1

C Torre requested that, in presenting this information to the City Council, they be provided with the information similar to what the San Juan Trust has provided so that before they make their vote they have something that shows them what the current rules would result in in terms of subdivisions, because she believes that without that supplemental information the City is not in as good a position to make that vote.

CDD Ewing stated that staff would provide the full record to Council and that now that we have your recommendation we will be reviewing what we take to Council with the land use attorney for any problems that he might identify.

MOTION: By Commissioner Feierbach, seconded by Commissioner Wiecha, to adopt a Resolution recommending to the City Council amendments to the San Juan Hills Area Plan and to the Western Hills Area Plan to facilitate a reduction of density in hillside areas according to Western Hills Area Plan Policy 14A and the San Juan Hills Area Plan Policy 5A with 66% reduction consistent with the previous motion.

Ayes: Feierbach, Wiecha, Gibson, Frautschi, Mathewson, Parsons

Noes: Torre, for the reason stated with the previous motion.

Motion passed 6/1

Public Hearing – 1405 Solana: To consider a Conditional Use Permit to allow an increase of enrollment in an existing school from 220 students to 260 students. No building construction is proposed with this application; (Appl. No. 01-0106); APN: 045-122-190; Zoned: PD (Planned Development); CEQA Status: Categorically Exempt; Mary Lou Orr (Applicant); Charles Armstrong School (Owner)

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to continue to a date uncertain. Motion passed.

ELECTION OF COMMISSION CHAIR/VICE CHAIR

Chair Parsons asked for a show of hands of Commissioners who did not want to be considered for election to Chair the Commission. Secret ballots were then cast and were counted by RS Flores, who announced that Phil Mathewson had received the required four votes. Congratulations were extended to Mr. Mathewson.

Ballots were again distributed and counted for election of the Vice Chair. Elizabeth Wiecha was elected to the office of Vice chair by acclamation.

NEW BUSINESS: None

REPORTS, STUDIES, UPDATES, AND COMMENTS

CDD Ewing stated that the Mayor would like to meet with the new Planning Commission Chair to talk about the next City Council/Planning Commission Joint Meeting, with the suggested time of 10:45 a.m. on April 11, 2002. Preliminary suggestions for the Joint Meeting will be to conduct a Saturday morning bus tour of the City, to include all Commissioners and Council Members and anyone else wishing to attend. Staff will provide an itinerary of recent projects for all to visit and comment on.

Commissioner Torre asked when they could expect a policy recommendation on the density transfer issue. CDD Ewing replied that his concern right now is that the Council has taken over staff's long-range project planning efforts and that issue may not be addressed in the near term. The Council did discuss the density transfer issue themselves and said that it is important but other items will take priority.

Chair Parsons asked that an item be agendaized to refine definitions on the difference between a wall and a retaining wall.

ADJOURNMENT:

The meeting adjourned at 11:23 p.m. to a regular meeting on April 16, 2002 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment